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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

New Delhi, the 30th October, 1952

S.R.O. 1822.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 30 read with section 6 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951) is hereby published as required by sub-section (1) of the said section 30 for the information of persons likely to be affected thereby.

Notice is hereby given that the draft will be taken into consideration on or after the 15th November, 1952.

Any objection or suggestion which may be received from any person with respect to the draft before the date specified above shall be considered by the Central Government.

THE DEVELOPMENT COUNCILS (PROCEDURAL) RULES, 1952.

1. *Short title and commencement.*—(1) These rules may be called the Development Councils (Procedural) Rules, 1952.

2. *Definitions.*—In these rules unless there is anything repugnant in the subject or context:—

- (a) "Chairman" means a Chairman appointed or elected under these rules.
- (b) "Council" means a Development Council constituted under Section 6 of the Act.
- (c) "Secretary" means the officer appointed by the Central Government to carry on the functions of Secretary to a Development Council.
- (d) "the Act" means the Industries (Development and Regulation) Act, 1951 (LXV of 1951).

3. *Number of members.*—Every Council shall consist of not more than 30 members including the Chairman.

4. *Chairman.*—(1) The first Chairman of a Council shall be appointed by the Central Government from amongst the members of that Council and shall hold office for a period of two years from the date of his appointment. Thereafter the Chairman shall be either nominated by the Central Government or elected by members of that Council as may be decided by the Central Government on each occasion.

(2) The Chairman may resign his office by a letter addressed to the Secretary to the Government of India, Ministry of Commerce and Industry, with a copy to the Secretary to the Development Council concerned. The vacancy caused in the office of the Chairman by such resignation shall be filled by the appointment by the Central Government of another member of the Council as Chairman and the Chairman so appointed shall hold office for so long as the Chairman whose place he fills would have been entitled to hold office had he not resigned.

5. *Tenure of appointment of members:*—(1) A member of a Council shall hold office for two years from the date of his appointment and shall be eligible for re-appointment.

(2) A member of a Council may resign his office by letter addressed to the Secretary to the Government of India, Ministry of Commerce and Industry, with a copy to the Secretary of the Development Council concerned.

6. *Absence of members out of India:*—(1) If a member of a Council intends to leave India for more than one month, he shall intimate the Secretary of that Council the date of his departure and the date of his expected return to India; and

(2) If he intends to be absent from India for a period longer than six months, he shall tender his resignation.

7. *Cessation of membership under certain circumstances:*—A member of a Council shall cease to be member on the happening of any of the following events, namely, if he resigns, becomes of unsound mind, becomes insolvent or be convicted of criminal offence involving moral turpitude.

8. *Filling of vacancies:*—(1) Any vacancy in the membership of a Council caused by any reason shall be filled by appointment by the Central Government.

(2) A member appointed to fill a casual vacancy shall hold office for so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

9. *Appointment of substitutes:*—Should a person appointed as member of the Council be prevented from attending a meeting of the Council, a substitute to take his place may be appointed by the Central Government. Such substitute shall have the rights and privileges as a member for that meeting only.

10. *Meetings:*—(1) A Council may hold meetings whenever required.

(2) The Secretary shall, with the approval of the Chairman, fix the date, time and place of every meeting of the Council.

(3) At least 10 days' notice shall be given to members for every meeting of the Council.

(4) At least one-third of the number of members of a Council but not less than three members may, by a requisition in writing signed by them, require the Chairman to call a meeting of the Council at any time and on receipt of such a requisition the Chairman shall call a meeting of the Council at an early date.

11. *Proposals to be considered at meetings or by circulation:*—Any proposal which a Council is required to consider may be referred to all its members either at its meetings or by circulation among all its members and any proposal so circulated and approved by a majority of members by signing it shall be as effectual and binding as if such had been passed at a meeting of the Council, provided that at least one third of the total number of members of a Council but not less than three members have recorded their views on the proposal.

12. *List of business:*—(1) The Secretary shall, with the approval of the Chairman, cause to be prepared and circulated amongst the members at least 7 days before the meeting of a Council, the list of business to be considered by that meeting.

(2) If any member desires to suggest any subject for discussion by a Council, he shall give at least 10 days' clear notice.

(3) No business not in the list shall be considered without the approval of the Chairman.

13. *Procedure at meetings:*—(1) The Chairman shall preside over the meetings of a Council and in his absence the members present shall elect a Chairman from amongst themselves.

(2) One-third of the total number of members of a Council, but not less than three members, present in person shall form a quorum at a meeting of the Council.

(3) In case of difference of opinion amongst the members of a Council present at a meeting, the opinion of the majority shall prevail.

(4) Each member of a Council shall have one vote and if there shall be an equality of votes on any question to be decided by the Council, the Chairman or the member presiding shall have a casting vote.

14. *Duties of Secretary.*—(1) The Secretary of a Council shall be incharge of its office and shall be responsible for the correspondence of the Council.

(2) He shall maintain a record of all business transacted by the Council.

(3) He shall carry out such duties as are assigned to him by the Council in the discharge of the functions assigned to it under sub-sections 4 and 5 of section 6 of the Act, and in the preparation and submission of the reports and accounts specified in section 7 of the Act.

15. *Authentication of acts and proceedings.*—(1) All acts and proceedings of the Council when endorsed by the Chairman or by the Secretary with the approval of the Chairman shall be deemed to be valid acts and proceedings of the Council.

(2) The Chairman, or the Secretary with the approval of the Chairman, shall perform all functions on behalf of the Council in accordance with its decisions.

16. *Change in addresses of members:*—All members shall keep the Secretary informed of any change in their addresses. If they fail to notify their new address, the address in the roll of members maintained by the Secretary shall be deemed to be their address.

17. *Validation of acts and proceedings.*—No act or proceedings of a Council shall be invalidated or questioned on the ground merely of any vacancy in, or any defect in the constitution of, the Council.

18. *Power of Council to appoint Committees.*—The Council shall have the power to appoint such committees as it thinks fit and refer to such committees specific questions for consideration.

[No. 5(18)-IA(G)/52]

L. K. JHA, Joint Secy.

